EX.

·	Application No.	Applicant(s)
Notice of Allowability	10/733,873	BENOIT ET AL.
	Examiner	Art Unit
	Omar Rojas	2874
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this apport or other appropriate communication IGHTS. This application is subject to	plication. If not included not will be mailed in due course. THIS
1. This communication is responsive to		
2. The allowed claim(s) is/are <u>26-48,74-76 and 82-87</u> .	•	
 Acknowledgment is made of a claim for foreign priority ur a)	e been received. e been received in Application No cuments have been received in this of this communication to file a reply	national stage application from the
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give		
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.	
(a) \square including changes required by the Notice of Draftspers	son's Patent Drawing Review (PTO-	948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner' Paper No./Mail Date		•
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t	.84(c)) should be written on the drawi he header according to 37 CFR 1.121(ngs in the front (not the back) of d).
6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MATERIAL r FOR THE DEPOSIT OF BIOLOGIC	must be submitted. Note the AL MATERIAL.
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. ☐ Notice of Informal F	Patent Application
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary	
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	Paper No./Mail Da 7. ⊠ Examiner's Amendi	
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. Examiner's Statement of Reasons for Allowance	
	9. □ Other <i>Kend</i>	& Word
	KEVI	N WOOD TENT EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc M. Wefers on May 16, 2007.

The application has been amended as follows:

IN THE CLAIMS:

Claims 26, 27, and 85 are amended as follows:

26. (Currently Amended) An article comprising:

a fiber waveguide comprising alternating layers of different materials surrounding a core extending along a longitudinal waveguide axis, wherein the alternating layers define a spiral structure in a cross-sectional plane normal to the longitudinal waveguide axis, and wherein the alternating layers define a radial variation in index of refraction sufficient to guide EM radiation within a first wavelength range along the longitudinal waveguide axis.

27. (Currently Amended) The article of claim [[28]] <u>26</u>, wherein the spiral structure comprises a multilayer structure comprising at least two layers of the different materials encircling the core multiple times.

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85. (Currently Amended) An article comprising:

a fiber waveguide comprising alternating layers of different materials surrounding a core extending along a <u>longitudinal</u> waveguide axis, wherein the alternating layers define a spiral structure in a cross-sectional plane perpendicular to the waveguide axis,

wherein the core is hollow, and

wherein the alternating layers define a radial variation in index of refraction sufficient to guide EM radiation within a first wavelength range along the longitudinal waveguide axis.

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REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: During a telephonic interview with applicant's attorney, Mr. Wefers, on 5/16/07, the examiner stated that the alternating layers defining the spiral structure were different from the prior art in that they included a radial variation in the index of refraction sufficient to guide radiation along the waveguide and that including this limitation in claims 26 and 85 would patentably distinguish the claims over the Atkeisson et al. patent (US Pat. No. 5, 533,161). Thus, an amendment specifying such was agreed to.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (11:00AM-7:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Omar Rojas
Patent Examiner
Art Unit 2874

or May 19, 2007

KEVIN WOOD
PRIMARY PATENT EXAMINER

Keva & Wood